

Message Text

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62

ACTION ORM-02

INFO OCT-01 ARA-06 ISO-00 DHA-02 L-03 DODE-00 IO-13 AID-05

CIAE-00 INR-07 NSAE-00 /039 W
----- 070400

R 051313Z MAY 76

FM AMEMBASSY PORT AU PRINCE

TO SECSTATE WASHDC 2017

INFO COMNAVBASE GUANTANAMO BAY CUBA

C O N F I D E N T I A L PORT AU PRINCE 1154

EO 11652 GDS

TAGS: SREF, PFOR, HA

SUBJECT: HAITIANS AT GUANTANAMO

REF: (A) PORT AU PRINCE 1106 (201305Z APR 76), (B) STATE 107477
(040029Z MAY 76)

1. SUMMARY: MAJOR ORCEL CONFIRMED THAT POSSIBLY 4 OF THE 4 HAITIANS RETURNED TO PORT AU PRINCE ON APRIL 14 MAY FACE CRIMINAL PROSECUTION FOR THEIR ALLEGED COMPLICITY IN THE WRONGFUL ACTS THAT LED TO THE DEATH BY DROWNING OF LEFENE DIEUSEFUL (REF A). RECOMMEND DELAY SEEKING GOH ASSURANCES RE CARTRIGHT UNTIL GOH MAKES DECISION ON CRIMINAL CHARGES. END SUMMARY

2. ACCORDING TO ORCEL, THE BOAT THAT CARTRIGHT HIRED MADE REGULAR TRIPS CARRYING PASSENGERS BETWEEN MONTRUIS AND GONAVE ISLAND. DIEUSEUL AND THE OTHERS FROM GONAVE (MADILON CHARLES AND EDNER EDMON; PLUS GONAVE-BORN JOSEPH DIEUSEUL) THOUGHT THE FIRST LANDFALL WOULD BE GONAVE. CARTRIGHT HAD JUSTIFIED HIS PURCHASE OF 25 GALS. OF GASOLINE TO THE BOAT'S OWNER, ST. JULIEN DESIR, ON THE BASIS OF DELIVERING IT TO SOME CANADIAN MISSIONARIES ON THE ISLAND. WHEN, AFTER ABOUT AN HOUR'S SAILING OUT OF MONTRUIS, CARTRIGHT ORDERED THE BOAT ON A NORTH-WESTERLY COURSE, A BITTER DISPUTE BROKE OUT IN WHICH THE GONAVANS FOUND THEMSELVES OUTNUMBERS AND PHYSICALLY OVERPOWERED. IN THE COURSE OF THE ENSUING PUSHING AND SHOVING, LEFENE DIEUSEUL WENT OVERBOARD. ALLEGEDLY
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CARTRIGHT ORDERED THAT DIEUSEUL NOT, REPEAT NOT, BE

RESCUED, AND WAS BACKED UP BY THE OTHER NON-GONAVANS. EDNER EDMON, HORRIFIED BY THIS OUTCOME, AND FEARFUL OF THE OTHERS, DOVE OVERBOARD IN HOPES OF BEING RESCUED BY ANOTHER BOAT. MADILON CHARLES TOLD CARTRIGHT THAT HE HAD ALREADY CAUSED DIEUSEUL'S DEATH, AND THAT IF HE CAUSED EDMON'S DEATH, HE WOULD GET NO HELP FROM HIM TO REACH FLORIDA. CARTRIGHT RELENDED, AND ORDERED EDMON RESCUED, WHICH WAS DONE.

3. ORCEL INDICATED THAT HE COULD NOT PROVE THAT DIEUSEUL HAD BEEN PUSHED OVERBOARD, AND THUS HE HAD NOT RECOMMENDED MURDER CHARGES. HOWEVER, AFTER RELEASING THE BOAT'S "SAILORS" (CHARLES, EDMON AND JOSEPH DIEUSEUL), HE ORDERED THE OTHERS HELD TO FACE POSSIBLE LESSER CRIMINAL CHARGES FOR PURPOSELY ALLOWING LEFENE DIEUSEUL TO DROWN. HE SAID THAT HE CONSIDERED THEM ACCOMPLICES OF CARTRIGHT, AGAINST WHOM HE HAD ALSO RECOMMENDED THAT CRIMINAL CHARGES BE DRAWN UP.

4. THE POSSIBILITY THAT THE 4 (ROBERT SIMON, JOSEPH VILLIONEY NICLASSE, FRANTZ SAINVIL, & GERARD PLACIDE) REMAINING IN CUSTODY WILL FACE CRIMINAL PROSECUTION INTRODUCES A WHOLE NEW FACTOR INTO THE EQUATION. YET UNLESS OR UNTIL WE DETECT SOME HIDDEN POLITICAL MOTIVATION BEHIND ORCEL'S RECOMMENDATIONS, WHICH SO FAR WE DO NOT, IT IS HARD TO REJECT THE CONTENTION THAT APPARENT CRIMINAL CONDUCT SHOULD BE PROSECUTED IN COURT, A NO-REPRISALS GUARANTEE ON POLITICAL GROUNDS NOTWITHSTANDING. HOWEVER, FOR THE MOMENT, ORCEL'S RECOMMENDATIONS ARE JUST THAT, AND WE ARE UNAWARE THAT THE GOH HAS MADE ITS DECISION YET.

5. RECOMMENDATION - THAT IN LIGHT OF FOREGOING WE DELAY SEEKING SPECIFIC ASSURANCES CONCERNING CARTRIGHT (REF B) UNTIL THE GOH MAKES ITS DECISION ABOUT ORCEL'S RECOMMENDATION URGING CRIMINAL PROSECUTIONS IN CONNECTION WITH LEFENE DIEUSEUL'S DEATH. MEANWHILE, WE HAVE BEEN NON-COMMITTAL ABOUT THE PROPOSED CRIMINAL PROSECUTIONS, ALTHOUGH INDICATING THAT WE EXPECT TO BE INFORMED CONCERNING GOH DECISIONS AFFECTING EACH OF THE RETURNEES. REQUEST DEPART-CONFIDENTIAL

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MENT'S INSTRUCTIONS CONCERNED USG POSITION ON PROPOSED CRIMINAL PROSECUTIONS, AND CONCURRENCE IN DELAYING SEEKING NO-REPRISAL ASSURANCES ON CARTRIGHT UNTIL THIS MATTER IS CLARIFIED. LASTLY, SINCE THE NEXT SCHEDULED FLIGHT FROM PORT AU PRINCE TO GTMO IS NOT UNTIL MAY 12, WE RECOMMEND THAT COMNAVBASE GUANTANAMO BAY CUBA BE AUTHORIZED TO ASK CARTRIGHT IF HE DESIRES UN HIGH COMMISSION FOR REFUGEES (UNHCR) ASSISTANCE TO SEEK THIRD COUNTRY

PLACEMENT, PER PARA 5, REF B.
ISHAM

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: REFUGEES, REPATRIATION, CRIMES, INSTRUCTIONS, TRIALS
Control Number: n/a
Copy: SINGLE
Draft Date: 05 MAY 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: powellba
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976PORTA01154
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760174-0098
From: PORT AU PRINCE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760588/aaaacxnt.tel
Line Count: 117
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ORM
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 PORT AU PRINCE 1106, 76 STATE 107477
Review Action: RELEASED, APPROVED
Review Authority: powellba
Review Comment: n/a
Review Content Flags:
Review Date: 20 JUL 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <20 JUL 2004 by BoyleJA>; APPROVED <27 OCT 2004 by powellba>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: HAITIANS AT GUANTANAMO
TAGS: SREF, PFOR, HA, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006